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April 10, 2023

The Honorable Analisa Torres
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Consent Letter Motion

RE: United States v. Timothy Shea, et al., 20 Cr. 412 (AT)

Your Honor:

I represent Timothy Shea, one of the defendants in this case, having been appointed after trial but before sentence to replace the late Mr. John Meringolo.

I am writing to request a postponement of the sentencing hearing date until mid-June, 2023, due to several factors which I did not anticipate the last time we postponed the hearings for the three remaining defendants in the case.

The first reason – and most pressing for me – is that I have suffered some rather serious health issues in the past several months. The current status of the series of testing that has been done is that on Friday (April 7th) I had a cardiac catheterization at NYU Langone Hospital which showed somewhat mixed results and which did not resolve the symptoms that I have been having. I would be happy to discuss this in more detail with the Court and counsel in person, by phone, or in a sealed communication with Chambers, but I am reluctant to put more detail in this motion which I am filing on the electronic filing system. The bottom line is that the concern that I have had about it, and the fact that the symptoms are aggravated by stress, impel me to request this postponement.

I also have a serious problem with another case to which I was assigned (to

replace prior counsel on a matter in progress) on the same day as I was appointed on Mr. Shea's case. In this case I am scheduled to start a trial before the Honorable Jed Rakoff on May 1, 2023, and it is extremely unlikely that the trial will not go forward on schedule. The trial is expected to take two weeks to one month. Moreover it has turned out to be a very difficult case to prepare, partly because of the massive amount of discovery (over 14 terabytes of digital material, much of which consists of video and audio recordings which are very time-consuming to examine). There have been a number of other issues related to client-attorney relations and his health problems at the jail which have made the matter extremely exhausting.

These problems are also compounded by some additional time-sensitive issues related to being a co-executor of my father's estate, immigration court deadlines, and deadlines at the Court of Appeals.

I have consulted with AUSA Robert Sobelman who states that the government takes no position on this request.

I have consulted with my co-counsel in this matter and they have no objection to the request (assuming the Court wishes to keep the cases together for sentence). I believe we are all available in the second half of June except for on certain individual dates (I expect to be at an attorney's conference in Florida from June 21 through June 23, and on June 14th in the afternoon I have an immigration court trial, and on June 16th in the morning an oral argument in the Court of Appeals).

I thank the Court in advance for Your Honor's attention to this request.

Sincerely,

/s/ Thomas H. Nooter

Thomas H. Nooter

Attorney for Defendant Shea

cc: AUSAs Robert B. Sobelman and Mollie Bracewell, by ECF
Cesar de Castro, Esq., Attorney for Brian Kolfage, by ECF
Kelly B. Kramer, Esq., Attorney for Andrew Badolato, by ECF
USPO Christopher F. Paragano, by email